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GENERAL ELECTION LAWS OF KANSAS



SYSTEMATIZED FOR THE CONVENIENCE OF ELECTORS AND ELECTION OFFICERS.

BY G. C. CLEMENS

CRANE & COMPANY, PUBLISHERS
TOPEKA, KANSAS

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PREFACE.

THIS compilation is intended for the convenience of electors and election officers; and in order to render it convenient the editor has taken the statutes to pieces and rearranged them so as to bring together all provisions relating to each subject. The law is all here, however, and at the end of every section the place to find the original is given, so that the reader can find it if he wishes. The compilation goes through with general elections down to the point where returns are made to the county clerk. Beyond that point no special compilation could be of use.

G. C. CLEMENS.

Sept. 1899.

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GENERAL ELECTION LAWS.

CHAPTER I.

OFFICES TO BE FILLED.

BIENNIALLY—EVEN YEARS.

SECTION 1. On the Tuesday succeeding the first Monday in November, A. D. 1868, and on the Tuesday succeeding the first Monday in November in every second year thereafter, there shall be held a general election for the election of representative in congress, governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, superintendent of public instruction, justice of the supreme court, *senators*;* and in each county, probate judge, clerk of the district court, county superintendent of public instruction, and county attorney. [Gen. Stat. 1889, ¶ 2767.]

SEC. 2. That at the general election to be held in the state of Kansas in November, in the year 1900, and every two years thereafter, there shall be elected a superintendent of insurance for the state of Kansas, whose term of office shall be two years from the second Monday in January next succeeding his election; and in case of vacancy in said office the governor shall appoint some suitable person to serve until the next general election and until his successor is elected and qualified. [Laws Special Session of 1898, ch. 18, § 1.]

SEC. 3. At the general election held in eighteen hundred and seventy-six, and thereafter, members of the house of representatives shall be elected for two years, and members of the senate shall be elected for four years. [Constitution, Art. 2, § 29.]

BIENNIALLY—ODD YEARS.

Certain county officers. SEC. 4. On the Tuesday succeeding the first Monday in November, A. D. 1869, and on the Tuesday succeeding the first Monday in November in every

* See § 3.

second year thereafter, there shall be held a general election for the election in each county of sheriff, coroner, county commissioners,* county clerk, county treasurer, register of deeds, county surveyor, and county assessor. [Gen. Stat. 1889, ¶ 2768.]

QUADRENNIALLY—EVEN YEARS.†

SEC. 5. On the Tuesday succeeding the first Monday in November, 1868, and on the Tuesday succeeding the first Monday in November in every fourth year thereafter, there shall be held a general election for the election in each judicial district of one judge of the district court, and as many electors of president and vice-president of the United States as this state may be entitled to. [Gen. Stat. 1889, ¶ 2769.]

SEC. 6. The provisions of this act shall not apply when there are special provisions in any other statute, fixing the time for the election of any of the officers above named. [Id., ¶ 2771.]

SEC. 7. At the election held in the year 1900 three judges [of the court of visitation] shall be elected, whose term of office shall commence on the second Monday of January in the following year, and who shall hold for the term of four years. The terms of the judges thereafter elected shall be four years. [Laws Special Session of 1898, ch. 28, § 2.]

SEC. 8. The governor shall, on the first Monday of April next,‡ appoint a state solicitor, who shall hold until his successor is elected and qualified. His successor shall be elected by the voters of the state at the general election in 1900, for a regular term of office, which shall be four years from and after the second Monday in January after his election. [Id., § 5.]

Sheriff's proclamation. SEC. 9. It shall be the duty of the sheriff, and he is hereby required, fifteen days at least before the holding of any general election, or ten days before the holding of any special election, to give public notice by proclamation throughout his county, of the time of holding such election, and the officers at that time to be chosen, one copy of which shall be posted up at each of the places where the elections are appointed to be held, and inserted in some newspaper published in the county, if any be published therein. [Gen. Stat. 1889, ¶ 2660.]

* See Constitution, art. 9, § 3, as to commissioners.

† As to state senators, see § 3.

‡ 1899.

CHAPTER II.

NAMING CANDIDATES.

GENERALLY.

Nominations. SEC. 10. Any convention of delegates, primary, caucus, or meeting of qualified voters, as hereinafter defined, and individual electors to the number and in the manner hereinafter specified, may nominate candidates for public office, whose name shall be placed upon the ballots to be furnished as hereinafter provided. [Australian Ballot Law of 1897, § 3.]

Certificate of nomination. SEC. 11. Any convention of delegates, primary, caucus or meeting of a political party, may, for the state or division thereof, or municipality for which the convention, primary, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election: *Provided*, Such convention of delegates, primary, caucus or meeting, represents a party which cast not less than five per cent. of the total vote polled in the state, division thereof, or municipality for which the convention, primary, caucus or meeting is held. Every such certificate of nomination shall state such facts as are required in section six of this act, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Where such nomination is made by primary election, the certificate shall be signed by the board of canvassers, to which the returns of such primary are made. Such certificates shall be sworn to by them to be true, to the best of their knowledge and belief, and a certificate of an oath shall be annexed to the certificate of nomination. [Id., § 4.]

Nominations by petition. SEC. 12. Nominations of candidates for any office to be filled by the voters of the state at large, may also be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five hun-

dred qualified voters of the state. Nominations for candidates for offices to be filled by the electors of a county, district or other division less than a state, may be made by nomination papers, signed in the aggregate for each candidate by not less than five per centum of the qualified voters of such county, district or other division; and in no case to be signed by less than twenty-five such voters of said county, district or division. Nominations for candidates for offices to be filled by the electors of a city, town, precinct or ward, may be made by nomination papers signed in the aggregate for each candidate by not less than five per centum of the qualified voters of such city, town, precinct or ward, and in no case to be signed by less than ten of such voters of such city, town, ward or precinct. Each elector signing a certificate shall add to his signature his place of business and post-office address. [Id., § 5.]

Certificate, what to contain. SEC. 13. All certificates of nomination, or nomination papers, shall, besides containing the names of the candidates, specify as to each: First, the office to which he was nominated; second, the party or political principle which he represents, expressed in not more than five words; third, his place of residence, with street and number thereof, if any. In case of electors for president and vice-president of the United States, the names for the candidates for president and vice-president may be added to the party or political appellation. [Id., § 6.]

Time for filing nomination papers. SEC. 14. Certificates for nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire state, or any division or district greater than a county, shall be filed with the secretary of state not less than forty days before the day fixed by law for the election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerks of the respective counties, not less than thirty days previous to the day of such election: *Provided*, That the certificates of nomination, and nomination papers for the nomination of candidates for the offices in cities shall be filed with the clerks of the cities not less than ten days previous to such election. [Id., § 7.]

Names withdrawn, when. SEC. 15. Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination by his request in writing, signed by him and acknowledged before an officer qualified to take acknowledgment of deeds, and filed with the secretary of

state not less than thirty days, or with the clerk of the county not less than twenty days, and with the city clerk not less than eight days previous to the day of election; and no name so withdrawn shall be printed upon the ballots.* All certificates of nomination and nomination papers, when filed, shall be open, under proper regulations, to public inspection, and the secretary of state, and the several county clerks and city clerks having charge of the nomination papers, shall preserve the same in their respective offices for not less than one year after the election. [Id., § 8.]

Vacancy, how filled. SEC. 16. In case a candidate who has been duly nominated, under the provisions of this act, dies before election day, or decline the nomination as in this act provided, or should any certificate of nomination be held insufficient or inoperative by the officers with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party or the persons making the original nominations; or, if the time is insufficient therefor, then the vacancy may be filled, if the nomination was by convention, primary, or caucus, in such manner as the convention, primary, or caucus had previously provided; or in case of no such provisions, then by the regularly elected or appointed executive or central committee representing the political party or persons holding such convention, primary meeting, or caucus. The certificates of nominations made to supply such vacancy shall state, in addition to the facts hereinbefore required by this act, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination had been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and the secretary of the convention, primary, or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be. [Id., § 9.]

Objections to nominations. SEC. 17. The certificate of nomination and nomination papers being so filed, and being in apparent conformity with this act, shall be deemed to be

* A vice-presidential candidate whose name (together with that of his associate presidential candidate) has been certified by authority of a state convention of his party as an addition to the party appellation, and who has not declined the national nomination, nor withdrawn as a candidate in Kansas, has no right under § 8 of said Australian ballot law to forbid such use of his name on the electoral ticket nominated by his party in this state. (Breidenthal v. Edwards, 57 Kan. 332.)

valid, unless objection thereto is duly made in writing within three days from the date said papers are filed with the proper officers. Such objections or other questions arising in relation thereto, in the case of nominations of state officers or officers to be elected by the voters of a division less than a state, and greater than a county, shall be considered by the secretary of state, auditor of state and attorney-general, and a decision of a majority of these officers shall be final.* Such objections or questions arising in the case of nominations for officers to be elected by the voters of a county or township, shall be considered by the county clerk, clerk of the district court and county attorney; and the decision of a majority of said officers shall be final.† Objections or questions arising in the case of nominations for city or incorporated town officers shall be considered by the mayor and clerk, with whom one councilman, chosen by a majority of the councilmen, shall act; and the decision of a majority of such officers shall be final. In any case where objection is made, notice shall forthwith be given, by the officer with whom the objections are filed, to the candidates affected thereby, addressed to their places of residence, as given in the nomination papers, and stating the time when—in no case to be more than five days, if a state or district officer, nor more than three days if a county officer—and the place where such objections will be considered. All *mandamus* proceedings to compel an officer to certify and place upon the

* After the hearing and overruling by the tribunal provided for by section 10 of the Australian ballot law of all objections to the nomination certificate filed by authority of a state convention of a political party, the further duties of the secretary of state as to certification under § 13 of said law are ministerial only, and he has no right to challenge, and the courts have no authority to consider, the motives actuating any political party convention in its course, and he should certify any proper and requisite matter duly appearing on the nomination certificate. (*Breidenthal v. Edwards*, 57 Kan. 332.)

† Where a political party in a county divides into opposing factions, and each faction holds a convention composed of a large number of delegates, and nominates a full set of candidates for the offices to be filled by the voters of the county, the county officers whose duty it is to consider objections to certificates of nomination, and nomination papers, have no power or authority to determine which of the two opposing factions is the true representative of the party, nor to exclude the candidates of either faction from the official ballot after the nomination of its candidates has been duly and regularly certified to the county clerk in the manner pointed out by the statute. (*Sims v. Daniels*, 57 Kan. 552.)

The officers so designated for the consideration of such objection have no power to consider and enforce written agreements made by the candidates and committees of opposing factions of a political party, providing for the settlement of their differences and for a determination of the question as to which set of candidates is entitled to a place on the official ballot and to the use of the party name. Agreements of candidates, even though in writing, to withdraw on the happening of a certain event or contingency, cannot be considered or enforced by such special tribunal. (*Id.*)

ballot any name or names, and all injunction proceedings asking that said officers be restrained from certifying and placing upon the ballot, any name or names, must be commenced not less than twenty days before the election. [Id., § 10.]

Secretary of state to certify to clerks. SEC. 18. When such certificate is filed with the secretary of state, he shall, in certifying nominations to the various county clerks, insert the name of the person thus nominated to fill vacancy in place of the original nominee; and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill the vacancy, the office he is nominated for, with the other details mentioned in certificates of nomination filed with the secretary of state; he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The name so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee; or, if the ballots have been printed, new ballots, whenever practicable, shall be furnished. [Id., § 11.]

Name, how changed on printed ballot. SEC. 19. Whenever it may not be practicable to have new ballots printed, it shall be the duty of the election officer having charge of the ballots, to place the name so supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a paster, or by writing or stamping the name upon the ballot; and to enable this to be done, the officer with whom the certificates of nomination are to be filed, shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate: *Provided*, That in all cases where the certificates of nomination or nomination papers are filed with the secretary of state he shall be required only to immediately furnish the name of such substituted nominee to the county clerks within said territory, and it shall then be the duty of the county clerk to furnish such information to the judges of election as hereinbefore stated. [Id., § 12.]

Secretary of state shall certify. SEC. 20. Not less than twenty days before an election to fill any public office, the secretary of the state shall certify to the county clerk of each county within which any of the electors may by law vote for the candidates for such office, the name and residence of each

person nominated for such office, as specified in the certificates of nomination or nomination papers filed with the secretary of state.* [Id., § 13.]

Penalty for irregularities. SEC. 21. Any person who shall falsely make, or wilfully destroy any certificate of nomination, or nomination papers, or any part thereof, or any letter of withdrawal, or who shall file any certificate of nomination, or nomination papers, knowing the same, or any part thereof to be falsely made, or suppress any certificate of nomination or nomination papers, or any part thereof which have been duly filed, or who shall forge or falsely make the official indorsement on any ballot, or who shall substitute therefor any spurious or counterfeit ballot, or who shall make, use, circulate or cause to be made, used or circulated as an official ballot, or any paper printed in imitation or resemblance thereof, or who shall wilfully destroy or deface any ballot, or who shall wilfully delay the delivery of any ballots shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment. [Id., § 29.]

PRIMARY ELECTIONS.

To be held under following provisions. SEC. 22. When any voluntary political association or party in any district, county, township, or municipal corporation causes notice of the holding of any primary election to be published, as provided in the next two sections, such election shall be held and conducted under the provisions of this chapter. [Laws 1891, ch. 115, § 1.]

Notice must be given by central committee. SEC. 23. Such notice must be ordered by a vote of a majority of the central or controlling committee of such association or party, and state the authority by which it is published, the purpose, time, manner, conditions and places of the holding of such election, the name of a legal voter of the precinct who is to preside and supervise at each poll, and shall prescribe the qualifications, not inconsistent with the provisions of this chapter, of the persons to vote at such election. [Id., § 2.]

*This provision is mandatory; and the secretary of state must send his certificate to county clerks the required number of days before the election, even though objections to the nominating papers have been filed and have not been determined. (Simpson v. Osborn, 52 Kan. 328.)

Five days' notice in newspaper. SEC. 24. At least five days previous to any such election such notice shall be published in newspapers printed and of general circulation in each county of the district; or, where the election is held in the territory of a single county, in such newspaper of that county; but the publication shall not be required in any county in which no newspaper is printed; the notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held, and proof that the notice was so posted in the other precincts shall not be required to show that any such election was legally held at any precinct in which the same was duly posted. [Id., § 3.]

Supervisor take oath. SEC. 25. The person named in the notice as supervisor, or, in his absence or refusal to serve, the person chosen by the electors present to be such supervisor, shall take an oath that he is a legal voter at such poll; that he will correctly and faithfully conduct such election, protect it against all frauds and unfairness, and carefully and truly canvass all votes cast thereat, in the manner required by the authority appointing the election; and thereupon, the supervisor shall cause the electors present, possessing the qualifications of persons entitled to vote under the notice, to chose two judges and two clerks of election to assist him in receiving and taking account of the votes cast, to each of whom shall be administered the same oath taken by the supervisor; and a township trustee or clerk, or a supervisor of election, who has been duly sworn, may administer the oath prescribed in this section. [Id., § 4.]

Qualified elector may challenge votes. SEC. 26. A qualified elector under the notice may challenge any vote offered, because the person offering it is not entitled to vote under the notice, or is not a citizen of the United States, or cannot be at the next election a legal voter of the precinct, or has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate at such election, or has voted before on the same day at that or some other precinct, in the same election. [Id., § 5.]

Supervisor or judge must administer oath to challenged voter. SEC. 27. Thereupon, the supervisor, or one of the judges, shall administer to the person offering to vote, an oath that he will true answers make to such questions as may be put to him touching his qualifications to vote at such election, and shall interrogate him as to his qualifications. If

such person refuse to be sworn, or, being sworn, refuse to answer any question, his vote shall be rejected; but if the oath be taken and the questions be answered satisfactorily, and he be not successfully contradicted by the sworn testimony of witnesses who may be called, his vote shall be received, and the word "sworn" shall be noted opposite his name on the poll book. [Id., § 6.]

Punishment for bribing voters. SEC. 28. That if any candidate for office in any election mentioned in this act, or any other person, shall directly or indirectly offer, promise, procure, confer, or give any money, property, thing in action, preferment, or other consideration or valuable thing, any money, note or check, draft, credit, or property, to be used by way of fee, reward, gift, or gratuity, for giving or refusing to give, any vote in any election of any public officer, state, county, or municipal, whatever, or of any member of the congress of the United States, or electors for president and any vice-president of the United States, such person either offering, asking or receiving the same shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one hundred dollars nor such imprisonment six months: *And further*, Such person shall, on such conviction, and as a part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election. *And further*, If any person shall mark, in any way, for the purpose of corruptly identifying any ticket that shall be afterwards voted at such election, with intent to escape, evade or violate the provisions of this act, then any such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one hundred dollars, and such imprisonment six months. [Id., § 7.]

Persons compelled to testify. SEC. 29. That any person may be compelled to testify in any judicial proceedings against any person or persons charged with bribery, corrupt solicitation, or the offenses hereby prohibited, and shall not be permitted to withhold his testimony on the ground that he may criminate himself or subject himself to punishment, but such testimony shall not be afterwards used against him in any judicial proceedings, except for perjury in such testimony. [Id., § 8.]

CHAPTER III.

FACILITIES FOR VOTING.

Where elections held. SEC. 30. Each township in the several counties shall compose one election district, unless such township is now or shall hereafter be divided by law, into more districts than one, the election to be held at such place in such township or district as the trustee and any justice of the peace in each township shall direct; and each ward of any city that is or may be divided into wards, shall compose one election district, the elections therein to be held at such places as the city council may direct. [Gen. Stat. 1889, ¶ 2657.]

Where polls not to be opened. SEC. 31. No poll shall be opened, or election be held, in this state, at or in any building in which spiritous, vinous, fermented or other intoxicating liquors are kept or sold. [Id., ¶ 2724.]

Hours of voting. SEC. 32. At all elections to which this act applies, the polls shall be opened at eight o'clock in the morning and shall be closed at six o'clock in the evening. [Australian Ballot Law of 1897, § 34.]

Ballots furnished at public expense. SEC. 33. All ballots cast in any general election or special election in this state, in any political subdivision thereof larger than a school district, shall, after the taking effect of this act, be printed and distributed at public expense. The printing and distribution of ballots and all other expenses connected with, or growing out of the provisions of this act, or that are necessary to provide for the elections thereunder, shall be paid by the townships and cities of the first and second classes; and it shall be the duty of the county commissioners to apportion such expenses to the townships and cities of the county in proportion to the votes cast at the last preceding general election in each township and city. It shall be the duty of the county clerk to charge such expenses, as apportioned by the board of county commissioners,

to the general fund of the several townships and cities of the first and second classes. [Id., § 1.]

SEC. 34. The printing and distributing of ballots for use in city elections shall be at the expense of the cities or towns in which such elections shall be held. The term "general election" as used in this act, shall apply to any election held for the choice of national, state, judicial, district or county offices, whether for the full term or for the filling of a vacancy. The term "city election" shall apply to any municipal election held in a city or incorporated town. [Id. § 2.]

Ballot, how arranged, etc. SEC. 35. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot; all nominations for any political party or group of petitioners being placed under the party appellation or title of such party or group, as designated by them in the certificates of nomination or petitions, or, if none is designated, then under some suitable title: *Provided*, That the name of not more than one nominee for each office to be filled at the election shall be placed in any one column upon the ballot; * and the ballot shall contain no other names, except that, in case of electors for president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the title of the party or political organization. If a constitutional amendment or other public measure is submitted to a vote, such question shall be printed upon the ballot after the list of candidates, and words calculated to aid the voter to answer any question submitted to a vote may be added, such as "yes," "no," or the like. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of election, and a *facsimile* of the signature of the clerk or other officer who has caused the ballot to be printed. The ballots shall be on plain white paper through which the printing or writing cannot be read. The party appellation or title shall be printed in capital letters not less than one-fourth of an inch in height, and immediately below such party appellation or title shall be printed the following statement: Electors will make a cross-mark, thus, X, in the square at the right of the candidate for

* The name of the same candidate may be placed on the official ballot on two or more tickets. (Simpson v. Osborn, 52 Kan. 328.)

whom they wish to vote. The names of the candidates shall be printed in capital letters not less than three thirty-seconds nor more than six thirty-seconds of an inch in height. And at the right of each line in which the name of the candidate is printed a square shall be printed, the size of which shall not be less than one-fourth of an inch in length. The list of candidates for the

designated title upon the ballot, preceded by the words: "Shall the following proposition be adopted?" Two spaces shall be left on the right hand margin, one for the votes favoring the measure, to be designated by the word "yes," and one for the

PEOPLE'S PARTY.

DEMOCRATIC PARTY.

REPUBLICAN PARTY.

Electors will make a cross-mark, thus, **X**, in the square at the right of the name of the candidate for whom they wish to vote.

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Electors will make a cross-mark, thus, **X**, in the square at the right of the name of the candidate for whom they wish to vote.

Electors will make a cross-mark, thus, **X**, in the square at the right of the name of the candidate for whom they wish to vote. In this column write the name of the candidate.

For Governor,
JOHN W. LEEDY.

For Governor,
JOHN W. LEEDY.

For Governor,
E. N. MORRILL.

For Governor,

For Lieutenant-Governor,
A. M. HARVEY.

For Lieutenant-Governor,
A. M. HARVEY.

For Lieutenant-Governor,
E. H. RICITER.

For Lieutenant-Governor,

For Chief Justice,
FRANK DOSTER.

For Chief Justice,
FRANK DOSTER.

For Chief Justice,
I. H. GARVER.

For Chief Justice,

For Secretary of State,
W. E. BUSH.

For Secretary of State,
W. E. BUSH.

For Secretary of State,
W. C. EDWARDS.

For Secretary of State,

For Attorney-General,
L. C. BOYLE.

For Attorney-General,
L. C. BOYLE.

For Attorney-General,
F. B. DAWES.

For Attorney-General,

(And continuing in like manner as to all candidates to be voted for at such election.)

to the general fund of the several townships and cities of the first and second classes. [Id., § 1.]

SEC. 34. The printing and distributing of ballots for use in city elections shall be at the expense of the cities or towns in which such elections shall be held. The term "general election" as used in this act, shall apply to any election held for the

printed the following
mark, thus, X, in the square at the right of the candidate for

* The name of the same candidate may be placed on the official ballot on two or more tickets. (Simpson v. Osborn, 52 Kan. 328.)

whom they wish to vote. The names of the candidates shall be printed in capital letters not less than three thirty-seconds nor more than six thirty-seconds of an inch in height. And at the right of each line in which the name of the candidate is printed a square shall be printed, the size of which shall not be less than one-fourth of an inch in length. The list of candidates for the several parties and groups of petitioners shall be arranged according to the number of votes cast in the counties by the several parties at the last preceding general election. The party casting the largest number of votes, for the highest office voted for in the county at such election, shall have the first place on the ticket; the party casting the next largest number shall have the second place on the ticket; and so on, arranging the tickets on the ballot in the order of the number of votes received by each party. Tickets placed upon the ballot by petition shall follow the tickets placed upon the ballot by nomination, convention, caucus, or primary, the ticket having the largest number of petitioners to come first, and the ticket the second largest number of petitioners next, and so on: *Provided*, That single nominations made by petition, shall be placed together in one column under the head of "independent candidates," unless there be more than one such candidate for any one office. Each of the adjoining columns containing the list of candidates, including the party appellation, shall be separated by two distinct lines, not less than one-sixteenth of an inch apart; all as in the accompanying sample ballot. [Australian Ballot Law, § 14, amended by ch. 17, Laws Special Session of 1898.]

SEC. 36. Township tickets shall not contain the names of the candidates for road overseers, but only a blank space at the bottom in which to write the name of such candidates, and any elector who shall knowingly vote for a candidate for road overseer who is not a resident of the district in which such elector resides, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars nor less than ten dollars. [Australian Ballot Law of 1897, § 31.]

SEC. 37. Whenever an amendment to the constitution or other public measure is proposed to be voted upon by the people, such amendment or other public measure shall be printed by designated title upon the ballot, preceded by the words: "Shall the following proposition be adopted?" Two spaces shall be left on the right hand margin, one for the votes favoring the measure, to be designated by the word "yes," and one for the

votes opposing the measure, to be designated by the word "no" as in the form herein given:

Shall the following be adopted? (Here insert the designated title to proposed public measure.)

| | |
|------|--|
| Yes. | |
| No. | |

The elector shall designate his vote by a cross-mark, thus X.
[Id., § 16.]

Who to have charge of printing, etc. SEC. 38. For all general elections to which this act applies, the county clerks in their respective counties shall have charge of the printing of the ballots, and the county commissioners shall have the letting of the contracts therefor. The price paid for such ballots shall not exceed ten dollars per thousand, or fraction thereof, in even-numbered years, if there be not more than four tickets upon such ballots, nor more than one dollar and fifty cents per thousand or fraction thereof, for each additional ticket upon such ballot; nor shall the price exceed five dollars per thousand, or fraction thereof, in odd-numbered years, if there be not more than four tickets upon such ballot, nor more than one dollar per additional thousand, or fraction thereof, for each ticket in excess of said four tickets upon said ballots: *Provided*, That in counties where less than one thousand tickets are to be printed, double these prices per thousand may be paid. For all city elections, the city clerk shall have charge of the printing of the ballots, and the letting of the contract therefor; but in no case shall the price paid for such tickets exceed the maximum price fixed herein for county tickets in the odd-numbered years. Ballots shall be printed and put in the possession of the officer charged with their distribution at least five days before the election, accompanied by a sufficient number, not to exceed fifty for each precinct, of exact copies of said ballots, printed on paper of any other color than white, for the inspection of candidates and their agents, and for distribution through each of the party organizations. If any mistakes be discovered, they shall be corrected without delay. [Id., part of § 15.]

Voting places; arrangement of booths. SEC. 39. It shall be the duty of the township trustees, and of the mayors and clerks of incorporated cities, to provide suitable places in which to hold all elections provided for in this act, and to see that the same are warmed, lighted, and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves, and soft black lead pencils, to enable the voter to

prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. A guard rail shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot box and of such voting booths. The arrangements shall be such that the voting booths can be reached only by passing within such guard rail. They shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside of the guard rail. Each of said booths shall have three sides inclosed, one side in front, to open and shut by a door swinging outward or to be inclosed with a curtain. Each side of each booth shall be seven feet high, and the door or curtain shall extend to within two feet of the floor, and said door or curtain shall be closed while the voter is preparing his ballot, and each of said booths shall be well lighted. Each booth shall be at least three feet square and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than election officers and challengers allowed by law, and those admitted for the purpose of voting as hereinafter provided, shall be permitted within the guard rail, except by the authority of the election officers, to keep order and to enforce the law. The number of such voting booths shall not be less than one to every sixty voters or fraction thereof, who voted at the last preceding general election within such precinct. The expense of providing booths and guard rails and other things required by this act shall be paid in the same manner as other election expenses. Said booths shall be constructed of any material that will form a screen from public view and render the voter free from observation while marking his ballot; and said booths shall be deposited with the township trustee or city clerk to be preserved for future use. In all cases where it is not otherwise practicable, in precincts outside of cities, elections may be held in public school buildings, and all damages to the buildings or furniture shall be a just claim against the township. [Id., § 20.]

Ballot box. SEC. 40. The trustees of each township shall cause to be provided, at the expense of the township, a ballot box for each election district within his township which may be destitute of the same, and preserve it for the use of elections, and carry said ballot box, with a copy of the laws containing this act, to the place or places of holding elections in his township, as often as it may be necessary to meet and vote for officers under this act. [Gen. Stat. 1889, ¶ 2659.]

SEC. 41. It shall be the duty of the judges of election, or one of them, immediately before proclamation is made of the opening of the polls, to open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and then lock them securely, and they shall not be reopened until for the purpose of counting the ballots therein, at the close of the election. [Gen. Stat. 1889, ¶ 2676.]

The opening of the ballot box before and after the adjournment for dinner was also an irregularity. (*Morris v. Vanlaningham*, 11 K. 279.)

When the judges and clerks of an election so place the ballot box that a voter cannot see or determine that the identical ballot he gave to the officer is deposited in the ballot box; and when the member of an election board whose duty it is to receive the ballot from a voter so conceals the box from a voter by a movement of his body that the voter cannot see or determine that the identical ticket he gave the officer was deposited in the box; and when the member of an election board whose duty it is to receive the ballot from a voter stands in front of the box, and conceals it from the view of the voter, and is requested by the voter to stand aside so that he can see that his ballot is deposited in the box, and the officer refuses to do so, all such acts are evidence of a dishonest purpose. (*The State v. Malo*, 42 K. 54.)

Supply of ballots. SEC. 42. The officers so charged with the printing of said ballots shall cause to be delivered to either of the judges of election not less than twelve hours before the time fixed by law for the opening of the polls therein, seventy-five ballots of the kind to be voted in such precinct for every fifty votes, or fraction thereof, cast therein at the last preceding general election for state officers in townships and township precincts, and seventy-five ballots for each fifty names on the registration books in wards of cities of the first and second classes. Such ballots shall be put in separate sealed packages of fifty ballots each, with marks on the outside clearly designating the polling place for which they are intended, and the number of ballots inclosed; and receipt therefor shall be given by the judge or judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distributing of the ballots, shall provide and retain at his or their office an additional supply of ballots in excess of those distributed to the several voting precincts, equal to the number so distributed, and if, at any time on or before the day of election, the ballots furnished to any of the precincts shall be lost, destroyed or exhausted, before the polls are closed, on written application signed by a majority of the judges of such precinct or signed and sworn to by one of such judges, the county clerk shall immediately cause to be delivered to one of such judges, at such polling place, such additional supply of

ballots as may be required and sufficient to comply with the provisions of this act. [Australian Ballot Law of 1897, part of § 15.]

Spoiled and unused ballots to be returned. SEC. 43. All ballots not used, and all that have been spoiled by the voter while attempting to vote, shall be returned by the judges of election to the officer or authority charged with the printing and distribution of the ballots and a receipt taken therefor, and such ballots shall be preserved for one year. Such officer shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom, and the time when delivered, and shall enter upon such record the number and character of the ballots returned, with the time when, and the person by whom, they are returned. [Id., part of § 25.]

Cards of instruction. SEC. 44. The officer or officers whose duty it is to have the ballots printed, shall prepare full instructions for the guidance of voters at such election, after obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and they shall cause the same, together with copies of sections 22, 23, 24, 25, 26, 27, 28, 29,* of this act, to be printed in large clear type, on cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this act. [Id., § 17.]

SEC. 45. The judges of election shall cause not less than one of such cards to be posted in each voting booth or apartment provided for the preparation of ballots, and not less than four of such cards to be posted in and about each polling place upon the day of election. [Id., § 18.]

Penalty for destruction, etc. SEC. 46. Any person who shall, prior to any election, willfully destroy or deface any list of candidates posted in accordance with the provisions of this act, and who, during an election, shall willfully deface, tear down, remove or destroy any card of instruction, or specimen ballot, printed and posted for the instruction of voters, or who shall, during the election, willfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall willfully hinder the voting of others,

* Sections 62, 63, 58, 43, 77, 80, 84, 51, 71, 46 and 21 of this compilation.

shall, upon conviction, be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both such fine and imprisonment. [Id., § 28.]

Election boards. SEC. 47. Election boards shall be composed of three judges and two clerks. The judges of election of their respective precincts shall have charge of the ballots and furnish them to the voters as herein set forth. No more than two judges and not more than one clerk shall belong to the same political party or organization: *Provided always*, There be one or more electors qualified and willing to act as such judge or clerk, and belonging to and members of opposite political parties. It shall be the duty of the mayor of each city, by and with the consent of the council thereof, at least ten days before the day of election, to designate and appoint five persons in each of the voting precincts of such city, who shall be qualified electors thereof, three of whom shall be appointed and act as judges and two as clerks of said election. Said mayor shall cause said judges and clerks to be notified in writing of their appointment and they shall each appear before the clerk of such city, at least one day before the day of election, and take and subscribe an oath to faithfully and honestly perform their duties as such judges and clerks. And it shall be the duty of the township trustees of every township, at least ten days before the day of election, to proceed in like manner to appoint and notify five persons for each voting precinct in his township, three to be appointed and act as judges, and two as clerks of said election, and all to be duly qualified electors of the precinct for which appointed. One of said judges and one of said clerks to be appointed by said mayor and trustee as aforesaid, shall be taken from the political party that polled the largest number of votes at the last preceding general election in said precinct, and one of said judges and one of said clerks from the political party that polled the next largest number of votes at the last general election aforesaid, and the remaining judge from the political party that polled the next largest number of votes at the last general election aforesaid; and such judges and clerks shall be appointed by said mayor, or trustee, as aforesaid, upon the recommendation of the chairmen of the central committees of said political parties, provided such there be. And if any of said judges or clerks shall fail or refuse to appear and serve at the proper time and place, or from any cause are, or become

disqualified, then the electors present shall select from their number, *viva voce*, such persons from the political parties as herein designated to fill such vacancies.* Said judges shall designate one of their number whose duty it shall be to have charge of the ballots and to furnish them to the voters in the manner herein provided. All judges and clerks to be appointed by the township trustees as hereinbefore provided shall, at least one day before election, appear before such township trustee and shall take and subscribe to an oath to faithfully and honestly discharge their duties as such judges or clerks, and said township trustee is hereby authorized to administer oaths for such purposes: *Provided*, In cities having a commissioner of elections, such commissioner shall in all cases select the judges and clerks of election from different political parties, in like manner as herein provided for the mayor and council of other cities, upon the recommendation of the chairmen of the central committees of the several political parties, and such judges and clerks shall be notified and qualify, and vacancies shall be filled as provided for hereinbefore. [Id., § 19.]

Penalty for receiving illegal vote. SEC. 48. If any judge of the election shall knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector, prescribed by this act, or receive or sanction the reception of a ballot from any person who shall refuse to answer any question which shall be put to him in accordance with the provisions of this act, or shall refuse or sanction the refusal by any other judge of the board to which he shall belong, to administer either of the oaths or affirmations prescribed by the third [second] article of this act, he shall, upon conviction thereof, be subject to the same punishment as is prescribed in section seventy-six [sixty-five]. [Gen. Stat. 1889, ¶ 2727.]

Fees of clerks and judges. SEC. 49. Clerks and judges of election shall receive the following fees and no more: (1) At elections where state, county and township officers are voted for, the sum of two dollars for the first two hundred and fifty votes or less, and an additional sum equal to one dollar for each additional one hundred votes or major fraction thereof. (2) In all city elections, where only city, county and township officers are voted for, the sum of two and fifty-hundredths dollars for

*In strict law, no set of "bystanders," or set of "electors present" at the voting-place on the day of election, has any right to elect the judges of the election until the hour of eight o'clock in the morning of such day has arrived. (Kirkpatrick v. Vickers, 24 K. 318.)

each three hundred and fifty votes or less, and the additional sum of fifty cents for each one hundred votes or major fraction thereof. [Australian Ballot Law of 1897, § 32.]

Free from arrest. SEC. 50. All judges, clerks and voters shall be free from arrest, except for felony and breach of the peace, in going to, attending on, and returning from, elections. [Gen. Stat. 1889, ¶ 2723.]

Electioneering prohibited. SEC. 51. No person whatever shall do any electioneering or soliciting of votes on election day within any polling place or within one hundred feet of such polling place. No person shall interrupt, hinder or oppose any voter while approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment, for each and every offense. It shall be the duty of the judges of election to enforce the provisions of this section. [Australian Ballot Law of 1897, § 26.]

Officer failing to perform his duty liable. SEC. 52. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duties, or who shall willfully perform it in such a way as to hinder the object of this act, or who shall disclose to any one except as may be ordered by any court of justice, the contents of any ballot as to the manner in which the same may have been voted shall, upon conviction, be punished by a fine of not less than [than] fifty dollars, nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year, nor more than five years, or by both such fine and imprisonment. [Id., § 30.]

CHAPTER IV.
CONDUCTING ELECTION.

VOTERS.

Qualifications of elector. SEC. 53. Every white* male person, of twenty-one years and upward, belonging to either of the following classes—who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote, at least thirty days next preceding such election—shall be deemed a qualified elector: †

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization. [Const., art. 5, § 1.]

4 K. 549; 7 K. 62; 15 K. 26, 30.

Who not qualified. SEC. 54. No person under guardianship, *non compos mentis*, or insane; no person convicted of felony, unless restored to civil rights; no person who has been dishonorable discharged from the service of the United States, unless reinstated; no person guilty of defrauding the government of the United States, or any of the states thereof; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe; and no person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this state until such disability shall be removed by a law passed

*The word "white" was repealed by the fifteenth amendment to the federal constitution.

†An elector must vote in the township or ward in which he has resided, at least thirty days next preceding the election at which he offers to vote. If he attempts to vote out of the township or ward of his residence, his ballot should be rejected. If he does so vote, it is an illegal one. (State *ex rel.* v. Stock, 38 K. 154.)

by a vote of two-thirds of all the members of both branches of the legislature. [Id., § 2.]

16 K. 606; 26 K. 55.

Citizens in the military service and absent. § 55.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; and the legislature may make provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this state; but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote. [Id., § 3.]

4 K. 549.

Proof of right. SEC. 56. The legislature shall pass such laws as may be necessary for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established. [Id., § 4.]

15 K. 529; 31 K. 550.

Rules determining residence of voter.* SEC. 57. The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

First, That place shall be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

*The object and effect of the fifteenth amendment to the federal constitution were to place the colored man in the matter of suffrage on the same basis with the white. It had no other effect. The colored man, to become a voter, as well as the white man, must be twenty-one years of age, six months a resident of the state, and thirty days a resident of the township or ward. (Anthony v. Halderman, 7 K. 50.)

A man who filed a homestead claim on land in Oklahoma Territory, and made a settlement and improvements thereon, in and after the month of June, 1889, and intended to make said claim his home, and who returned to his former residence in Comanche county, in this state, for a temporary purpose, intending to go back to his claim in Oklahoma, was not a legal voter at an election held in Comanche county on the 5th day of November, 1889. (State v. Deniston, 46 K. 359.)

Persons who filed homestead claims on land in Oklahoma Territory, and made settlement and improvements thereon, during and after the month of June,

Second, A person shall not be considered or held to have lost his residence who shall leave his home and go into another state or territory, or county of this state, for temporary purposes merely, with an intention of returning.

Third, A person shall not be considered or held to have gained a residence in any county of this state, into which he shall have come for temporary purposes merely, without the intention of making said county his home, but with the intention of leaving the same when he shall have accomplished the business that brought him into it.

Fourth, If a person remove to any other state, or to any of the territories, with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in this state.

Fifth, The place where a married man's family resides shall be considered and held to be his residence.

Sixth, If a person shall go into another state or territory, and while there exercises the right of suffrage, he shall be considered and held to have lost his residence in this state. [Gen. Stat. 1899, ¶2668.]

Employes entitled to two hours to vote. SEC. 58.

Any person entitled to vote at a general election in this state, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours, between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall deduction be made on account of such absence, from his usual salary or wages: *Provided, however*, That application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employé may absent himself as aforesaid. Any person or corporation who shall refuse to an employé the privilege hereby conferred,

1889, and who intended to make said homestead claims their homes, and who returned to their former residences in Comanche county, in this state, for a temporary purpose, and agreed to stay and vote at an approaching election if paid for their time, and who voted at said election, and left Comanche county the next day, and have ever since resided in Oklahoma, were not legal voters at an election held in Comanche county on the 5th day of November, 1889. (Id.)

Cattle-men employed on a ranch situated in the Indian Territory, south of the state, working by the month, and who had resided out of the state for more than thirty-five days prior to the election, and who intended to work on such ranch as long as they were employed, and who had no families residing in Kansas, were not legal voters at an election held in Comanche county, in this state, on the 5th day of November, 1899. (Id.)

or shall subject an employé to a penalty or deduction of wages because of the exercise of such privileges, or who shall, in any manner, attempt to influence or control such voter as to how he shall vote, by offering any reward, or by threatening his discharge from employment, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than fifty dollars or more than one hundred dollars. [Australian Ballot Law of 1897, § 24.]

Electors privileged. SEC. 59. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace. [Const., art. 5, § 7.]

Falsely personating. SEC. 60. Any person who shall falsely personate any voter, and vote under the name of such voter, shall, upon conviction, be punished by confinement and hard labor not exceeding three years. [Gen. Stat. 1899, ¶ 2728.]

VOTING.

Manner of voting. SEC. 61. Any person desiring to vote in precincts where registration is required, shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found on the register of voters, by the officer having charge thereof, he shall likewise repeat said name and the voter shall be allowed to enter the space inclosed by the guard-rail as above provided. The clerk shall thereupon place his name and number upon the poll list, and one of the judges, designated by the election board, shall give the voter one and only one ballot, on the upper right hand corner of which, he shall have inscribed, with pen and ink, the number corresponding to the voter's number upon the poll list, and the voter's name shall be immediately checked on the registry list. At all elections where registration is required, if the name of any person desiring to vote at such election is not found on the register of voters, he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law. Besides the

election officers, not more than one voter in excess of the whole number of voting booths provided shall be allowed in said inclosed space at one time. This section shall apply to and govern, where applicable, all persons desiring to vote in precincts where registration is not required, and in all such precinct the voter's number on the poll list shall be marked upon his ballot before he marks it, and clipped therefrom before it is deposited in the ballot box. [Australian Ballot Law of 1897, § 21.]

Ballot, how prepared, etc. SEC. 62. On receipt of his ballot, the voter shall forthwith, and without leaving the inclosed place, retire, alone, to one of the voting booths so provided, and shall prepare his ballot by making, in the appropriate margin or place, with a black lead pencil, a cross X to the right of the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space in the blank column on said ticket, making a cross X to the right hereof; and, in case of a public measure submitted to a vote of the people, by making, in the appropriate margin or place, a X to the right of the answer he desires to give. The voter shall not use ink nor a pencil of any other color than black in so marking his ballot.* Before leaving the voting booth, the voter shall fold his ballot in such a manner as to conceal the names of the candidates and the marks upon the ballot, and so that the printed indorsement and initials of the judge thereon may be seen by the election board. The number of the voter on the poll books or registration list shall not remain indorsed on the back of the ballot unless the vote shall have been challenged and the voter sworn the second time as now provided by law. He shall mark and deposit his ballot without undue delay and shall quit said inclosed space as soon as he has voted, and the judge who receives the ballot, before depositing it in the ballot box, shall clip therefrom, with a pair of scissors, the corner containing the number inscribed thereon, unless the said vote has been challenged. No voter shall be allowed to occupy a voting booth already occupied by another, nor to remain within said inclosed space more than ten minutes, nor occupy a booth more than five minutes in case all of said voting booths are in use and other voters are waiting to occupy

*Ballots not marked with a cross (X), substantially in or upon the designated square or place, should not be counted. (Taylor v. Bleakley, 55 K. 1.)

The provisions of the Australian ballot law, concerning the marking and counting of ballots, are mandatory, and must be substantially complied with by the voter in order to have his vote counted. (Richardson v. Jamison, 55 K. 16.)

the same. No voter, who is not an election officer, shall, after having voted, be allowed to enter said inclosed space at any time during said election. No person shall take or remove any ballot from the polling place before the close of the polls. No voter shall vote or offer to vote any ballot except such as he has received from the judge of election in charge of the ballots. Any voter who may, by accident or mistake, spoil his ballot, shall, on returning said ballot to the election judges, receive another in the place thereof. Any voter who, after receiving an official ballot, decides not to vote, shall, before returning from within the guard rail, surrender to the election officers, the official ballot which has been given him; and a refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties affixed in section twenty-seven of this act. [Id., § 22.]

Judges to assist voters, when. SEC. 63. Any voter who may declare, upon oath, that he cannot read the English language, or that, by reason of any physical disability, he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officer shall mark the ballot as directed by the voter and shall thereafter give no information regarding the same. The clerks of elections shall enter upon poll lists, after the name of any elector who received such assistance in marking his ballot, a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in making his ballot. [Id., § 23.]

When vote is challenged, judge shall proceed how. SEC. 64. If a person offering to vote is challenged as unqualified by one of the judges of election, or by any elector, one of the judges shall tender to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualification of an elector at this election."

First. If the person be challenged as unqualified on the ground that he is not a citizen, the judges, or one of them, shall put the following questions: 1. Are you a citizen of the United States? 2. Are you a native or a naturalized citizen, and if neither, have you declared your intention to become a citizen,

conformably to the laws of the United States on the subject of naturalization? 3. Have you become a citizen of the United States by reason of the naturalization of your parents, or one of them? 4. Where were your parents, or one of them, naturalized? If the person offering to vote claims to be a naturalized citizen of the United States, or that he has declared his intention to become such, he shall state under oath, where and in what court he was naturalized.

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for six months immediately preceding the election, the judges, or one of them, shall put the following questions: 1. Have you resided in this state for six months preceding this election? 2. Have you been absent from this state within the six months immediately preceding this election? 3. If so, when you left, was it for a temporary purpose, with a design of returning, or did you intend remaining away? 4. Did you, while absent, look upon and regard this state as your home? 5. Did you, while absent, vote in any other state or territory?

Third. If the person is challenged on the ground that he is not a resident of the township or ward where he offers to vote, the judges, or one of them, shall put the following questions: 1. When did you come into this township or ward? 2. When you came into this township or ward, did you come for a temporary purpose merely, or for the purpose of making it your home? 3. Have you been, for the last thirty days, an actual resident of this township or ward?

Fourth. If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question: Are you twenty-one years of age, to the best of your knowledge and belief? The judges of election, or one of them, shall put all such other questions to the person challenged under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election. [Gen. Stat. 1889, ¶ 2669.]

Reject vote, when. SEC. 65. If the person challenged, as aforesaid, shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall reject his vote. [Id., ¶ 2670.]

Further duty of judge. SEC. 66. If the challenge be not withdrawn, after the person offering to vote shall have answered the questions put to him as aforesaid, one of the judges of election shall tender to him the following oath: "You do solemnly

swear (or affirm) that you are a citizen of the United States (or declared your intention to become such), of the age of twenty-one years; that you have been an inhabitant of this state for six months next preceding this election; that you have been, for the last thirty days, and now are, an actual resident of this township (or ward); and that you have not voted at this election." [Id., ¶ 2671.]

Vote to be rejected. SEC. 67. If any person shall refuse to take the oath or affirmation so tendered, his vote shall be rejected: *Provided*, That after such vote shall have been taken, the judges may, nevertheless, refuse to permit such person to vote, if they shall be satisfied, from record evidence, or other legal testimony, adduced before them, that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. [Id., ¶ 2672.]

Not entitled to privileges of elector. SEC. 68. No person shall be entitled to the privileges of an elector of the state of Kansas who shall refuse to take an oath to support and defend the constitution and government of the United States and the constitution and government of this state. [Id., ¶ 2673.]

Duty of clerks. SEC. 69. Whenever any person's vote shall be received, after having taken the oath prescribed in the twenty-first [twelfth] section of this act, or the oath of allegiance, it shall be the duty of the clerks of the election to write on the poll book, at the end of such person's name, the word "Sworn." [Id., ¶ 2674.]

Judge shall challenge. SEC. 70. It shall be the duty of each judge of election to challenge any person offering to vote, whom he shall know or suspect not to be qualified as an elector. [Id., ¶ 2675.]

Penalties for certain offenses. SEC. 71. Any person who shall, except as herein otherwise provided, mark or fold his ballot so that it can be distinguished, or allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or who shall interfere or attempt to interfere with any voter when inside said inclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting, to show how he marks or has marked his ballot, or who shall place upon or induce any

person to place upon his or any ballot, any character or mark for the purpose of identifying said ballot, or any judge who, in clipping the poll-list number from any ballot, or in affixing his initials to any ballot shall use any mark or means whereby any ballot may be identified, shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment; and it shall be the duty of election judges to enforce the provisions of this section. [Australian Ballot Law of 1897, § 27.]

COUNTING VOTES.

Candidates in room. SEC. 72. The judges of election shall, if requested, permit the respective candidates, or one or more, not exceeding three, of their friends, to be present in the room where the judges are during the time of receiving and counting the votes. [Id., ¶ 2677.]

Poll books to be signed. SEC. 73. At the close of the polls, the poll books shall be signed by the judges, and attested by the clerks, and the names therein contained shall be counted, and the number set down at the foot of the poll books, in the manner hereinafter provided in the form of the poll books. [Id., ¶ 2678.]

Boxes opened and votes counted. SEC. 74. After the poll books are signed in the manner hereinafter prescribed in the form of the poll books, the ballot boxes shall be opened, and the tickets taken out, one at a time, by one of the judges, who shall read distinctly, while the ticket remains in his hand, the name or names written or printed thereon; also the office that is intended to be filled by such person voted for; then deliver it to the second judge, who shall examine the same, who shall pass it to the third judge, who shall string it on a *strong thread** and carefully preserve the same; and the same method shall be observed in respect to each of the tickets in the ballot box, until the number of tickets taken out of the ballot box is equal to the number of names upon the poll books. [Id., ¶ 2679.]

Certain ballots not to be counted. SEC. 75. That all ballots or votes cast at any election for any person holding the office of judge of the district court, or of justice of the supreme

*These italicized words are repealed by Australian Ballot Law provision, § 25 and § 83 of this compilation.

court, except for a judicial office, shall be deemed and held to be void, and shall not be counted by the judges and clerks at any election, nor by any canvassing board, nor shall any record of the same be made by any canvassing board, nor any certificate of election issued thereon. [Id., ¶ 2783.]

SEC. 76. Any person violating the provisions of this act shall be deemed and held to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not less than three nor more than six months. [Id., ¶ 2784.]

Irregular ballot, etc. SEC. 77. If the voter marks more names than there are persons to be elected to an office, or fails to mark the ballot as required by other sections of this act, or uses ink, or a pencil of any other color than black to mark his ballot, or if, from any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot, without the official indorsement, shall be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act, shall be counted.* [Australian Ballot Law of 1897, part of § 25.]

Votes entered. SEC. 78. The clerks shall enter in a column under the names of the persons voted for, as hereinafter provided in the form of the poll books, all the votes as declared read by the judges. [Gen. Stat. 1889, ¶ 2680.]

Result to be ascertained. SEC. 79. After the examination of the ballots shall be completed, the number of votes for each person shall be enumerated under the inspection of the judges, and set down as hereinafter provided in the form of the poll books. [Id., ¶ 2683.]

Result to be proclaimed. SEC. 80. When the canvass shall have been completed as now provided by law, the clerk shall announce to the judges the total number of votes received by each candidate, whether such candidate's name appears on one or more tickets on the ballot; at least one of the judges of election shall then proclaim, in a loud voice, the total number of votes received by each of the persons voted for, and the office for which he is designated as announced by said clerk, and the number of votes for, and the number of votes against any proposition which shall have been submitted to a vote of the people. [Australian Ballot Law of 1897, part of § 25.]

* See notes to § 62.

Ballots not counted and ballots objected to, how marked. SEC. 81. Ballots which are not counted shall be marked "defective" on the backs thereof, and ballots to which objections have been made by either of the judges or challengers shall be marked "objected to" on the backs thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked; and all ballots marked "defective" or "objected to" shall be inclosed in an envelope, securely sealed, and so marked and indorsed as to clearly disclose its contents. [Id., part of § 25.]

Form of poll books. SEC. 82. The following shall be the form of the poll books to be kept by the judges and clerks of elections held under this act:

POLL BOOKS of the election held in the township (or ward) of ———, in the county of ———, on the — day of —, in the year A. D. one thousand eight hundred and —. A. B., C. D. and E. F., judges, and G. H. and J. K., clerks of said election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

NUMBER AND NAMES OF ELECTORS.

| | | | |
|--------|-------|--------|-------|
| No. 1. | A. B. | No. 3. | E. F. |
| No. 2. | C. D. | No. 4. | G. H. |

It is hereby certified that the number of electors of this election amounts to ———.

Attest: A. B.,
C. D., } Judges.
E. F.,
 G. H., } Clerks.
 J. K., }

NAMES OF PERSONS VOTED FOR, AND FOR WHAT OFFICE, CONTAINING THE NUMBER OF VOTES GIVEN FOR EACH CANDIDATE.

| Governor. | Representative in congress. | Representatives in the state legislature. | |
|-----------|-----------------------------|---|---------------------------|
| | | Senate. | House of Representatives. |
| | | | |

We hereby certify that A. B. had ——— votes for governor and C. D. had ——— votes for governor; that E. F. had ——— votes for representative in congress, etc.

A. B.,
C. D., } Judges.
E. F.,
 G. H., } Clerks.
 J. K., }

[Gen. Stat. 1889, ¶ 2684.]

Books sent to county clerk. SEC. 83. After canvassing the votes in the manner aforesaid, the judges, before they adjourn, shall put under cover one of the poll books, seal the same, and direct it to the county clerk of the county where the return

is to be made; and the poll book, thus sealed and directed, together with the ballots sealed as hereinbefore required,* shall be conveyed by one of the judges, to be determined by lot, if they cannot otherwise agree, to the county clerk of the county, within two days from the day of the election, and the other poll book shall be deposited with the trustee of the township, or clerk of the city, as the case may be, within three days of the election, there to remain for the use of the persons who may choose to inspect the same. [Id., ¶ 2685.]

Disposition of ballots. SEC. 84. When counting the ballots, the judge shall fold each ballot, and string closely, upon a piece of flexible wire or cord, all ballots which have been counted by them, except those marked "defective" or "objected to," unite the ends of such wire or cord in a firm knot, seal the knot with sealing-wax in such manner that it cannot be untied without breaking the seal, inclose the ballots so strung, in an envelope, and securely seal such envelope with sealing-wax, in such manner that it cannot be opened without breaking the seal, and shall return such ballots, together with the package with the ballots marked "defective" or "objected to" in such sealed packages or envelopes, to the proper clerk from whom the same were received, and such officer shall carefully preserve such ballots for one year and six months, and at the expiration of that time, shall destroy them, by burning, without previously opening the package or envelope. Such ballots shall be destroyed in the presence of the official custodian thereof, and of two electors of approved integrity and good repute, and members respectively of the two leading political parties. The said electors shall be designated by the board of county commissioners of the county in which said ballots are kept: *Provided*, That if any contest of election of any officer voted for at such election shall be pending at the expiration of such time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections, the parties contesting the same shall have the right to have such ballots opened, and to have all the errors of the judges in counting or refusing to count any ballots, corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in an open session of such body, and in the presence of the officer having the custody thereof. [Australian Ballot Law of 1897, part of § 25.]

* See next section.

CHAPTER V.

VOTES OF SOLDIERS AND OF INMATES OF SOLDIERS' HOME.

VOTE OF PERSONS IN MILITARY SERVICE.

Soldiers may vote, etc. SEC. 85. It shall be lawful for qualified electors of Kansas who may, on the occurrence of any annual election, be absent from their township or ward, employed in the militia or volunteer service of the state or the United States, to vote for county, district or state officers, members of the legislature, and for members of congress, and electors of president and vice-president of the United States, at the places where they may be stationed on the day of such election, under regulations hereinafter prescribed. [Gen. Stat. 1889, ¶ 2705.]

Poll books and tally sheets. SEC. 86. It shall be the duty of the secretary of state to prepare poll books and tally sheets, to be used at elections held under the foregoing section. The poll books shall contain the necessary headings and blanks, and be ruled into columns so as to show: *First*, The number of electors in the order in which they present themselves at the polls; *second*, the name of the elector; *third*, the regiment and company of which he is a member; *fourth*, the precinct, county and representative district of which he is a resident; and, *fifth*, a column for remarks by judges and clerks of elections. The tally sheets shall contain a complete list of the organized counties of the state, with the names of the precincts and the number of the representative districts in each county, with space opposite the name of each precinct to write the names of at least two candidates for each office to be filled at the election, and on each of said tally sheets the proper printed notes, directing the manner of using and returning the same. [Id., ¶ 2706.]

Duplicate copies. SEC. 87. The governor shall employ some suitable person, whose duty it shall be to deliver to the commandants of Kansas regiments, or to the commandants of

battalions, companies or squads, necessarily separated from the regiments to which they properly belong, at least ten days prior to each general election aforesaid, duplicate copies of the poll books and tally sheets herein provided for, and to distribute among the officers and men printed copies of this act: *Provided*, That in cases where regiments or subdivisions of regiments are located outside of the state, the governor shall transmit such poll books, tally sheets and printed matter by mail or express, or such other means as will be most economical to the state, and at the same time afford reasonable certainty that the persons for whom they are intended will receive the same. [Id., ¶ 2707.]

Elections by regiments. SEC. 88. All elections held under the provisions of this act shall, as nearly as possible, be by regiments; but where portions of two or more regiments are stationed at the same place, they shall vote at the same polls. [Id., ¶ 2708.]

Place of holding election. SEC. 89. The commandant of the regiment, or the officer in command of the battalion, company or squad, whose vote is to be taken, shall, on the morning of the election day, appoint some convenient and suitable place for holding the election. At the time and place of opening the polls, the electors shall elect, by *viva voce* vote, three judges and two clerks of election, who shall, before receiving any votes, severally take and subscribe the oath hereinbefore provided to be taken by judges and clerks of election, which oath may be administered by any commissioned officer of such regiment, battalion or company, who shall attach his certificate thereto. [Id., ¶ 2709.]

Provisions of article 2. SEC. 90. The provisions of article 3 [2] of this chapter, relative to the opening of polls, the manner of keeping the ballot box and testing the qualifications of electors, so far as the same are applicable, shall be applied to the taking of the votes of soldiers absent from their precincts. [Id., ¶ 2710.]

Ballot; duty of judges and clerks. SEC. 91. Each elector shall, in full view, deliver to one of the judges of the election a single ballot or piece of paper, on which shall be written or printed, or partly written and partly printed: *First*, The county, township or ward and representative district of which he is a resident; and, *second*, the company and regi-

* §§ 40 and 56 of this compilation.

ment of which he is a member—all of which shall be exposed. The ballot shall also contain the names of the persons voted for as above, with designation of the office which each is intended to fill, which may be exposed or concealed, at the option of the elector, but if concealed, the judges shall not inspect it. The judges shall announce, in an audible voice, the name of the elector, his residence and his company and regiment, as set forth on his ballot, and if no objection be made, and the judges are satisfied that he is a qualified elector, as represented by his ballot, the clerks shall set down, in the proper columns, the number of the vote, the name of the voter, with his company and regiment, together with the county, township or ward, and number of the representative district of which he claims to be an elector, and the judges shall deposit it in the ballot box. [Id., ¶ 2711.]

Provisions of article 2, etc. SEC. 92. The provisions of article 3 [2] of this chapter, relative to the authentication of the poll books, the opening of the ballot box, the counting of the ballots, the preservation of the same, the making up and certification of the tally sheets, and all other provisions of said article, which are in their nature applicable, shall be complied with by judges and clerks of election chosen under this article. [Id., ¶ 2712.]

Poll books and tally sheets. SEC. 93. It shall be the duty of judges to attach together, wrap up and seal securely, a certified copy of the poll books and tally sheets, and indorse thereon, "A certified copy of an election of citizens of Kansas, in the military service, held at —, on the — day of —, A. D. —," and to direct and forthwith transmit the same, by mail, to the secretary of state, at the state capital. The original poll book and tally sheet shall be similarly attached together, wrapped up and indorsed, and, with the ballots, shall be retained by one of the judges, to be forwarded to the secretary of state, in the event of the loss of the copy first transmitted. [Id., ¶ 2713.]

Duty of secretary of state. SEC. 94. It shall be the duty of the secretary of state, on receipt of any returns of an election held pursuant to this article, to open the same and record all votes cast for state officers, members of congress or electors of president and vice-president of the United States, to the respective candidates for whom they were given, and to file the records away in his office; and it shall be his duty, on or before the second Monday in December, to transmit to the

county clerk of each county, a certified abstract of all the votes polled for county officers by citizens of such county in military employ, together with the township or ward, or representative district, of which they were residents, as appears by the official records of his office. [Id., ¶ 2714.]

Duty of commissioners. SEC. 95. Whenever there shall be qualified electors of the county absent from their voting precincts in the military service on the day of any general election, the board of county commissioners shall meet at the office of the county clerk, at 10 o'clock A. M., on the third Monday in December, next after such election, and shall then proceed to open and count the returns of votes given for county officers, including the vote certified by the secretary of state to have been polled for such county officers by absent electors in the military service, and shall be governed in such canvass by the provisions of article 4 [3] of this chapter. [Id., ¶ 2715.]

Who qualified. SEC. 96. No one shall be permitted to vote under the provisions of this article who was not, at the time of his employment in the military service, a qualified elector under the laws of Kansas, in the township or ward where he claims to have his vote counted. [Id., ¶ 2716.]

**VOTE OF INMATES OF THE STATE SOLDIERS' HOME,
DODGE CITY.***

May vote. SEC. 97. It shall be lawful for qualified electors of Kansas who may on the occurrence of any annual election be absent from their township or ward, by reason of being legally admitted inmates of the State Soldiers' Home in Kansas, to vote for county, township, district and state officers, members of the legislature, and for members of congress and electors of president and vice-president of the United States, at said State Soldiers' Home, on the day of such election, under regulations hereinafter prescribed: *Provided*, That no inmate of said State Soldiers' Home who was an elector of the county in which said State Soldiers' Home is located at the time of his admission to said State Soldiers' Home shall be permitted to vote under any of the provisions of this act: *Provided*, That the inmates of State Soldiers' Home shall be exempt from registration as required by law in the cities. [Laws 1899, ch. 140, § 1.]

* The Supreme Court held, in 1897, (*Lawrence v. Leidigh*, 58 Kan. 594,) that under the constitution inmates of the Soldiers' Home neither gain nor lose a residence by becoming inmates, but remain voters at their former homes.

Duties of secretary of state. SEC. 98. It shall be the duty of the secretary of state to prepare poll books and tally sheets to be used at elections held under the foregoing section. The poll books shall contain the necessary headings and blanks, and be ruled into columns so far as to show: *First*, the number of electors, in the order in which they present themselves at the polls. *Second*, The name of the elector. *Third*, The precinct or township, county and representative district of which he was a resident at the time of his admission as an inmate of said State Soldiers' Home. *Fourth*, A column for remarks by judges and clerks of the election. The tally sheets shall contain a complete list of the organized counties of the state, with the names of the precincts and the number of the representative districts in each county, with space opposite the name of each precinct to write the names of at least two candidates for each office to be filled at the election, and on each of said tally sheets the proper printed notes directing the manner of using and returning the same. [Id., § 2.]

SEC. 99. At least ten days prior to each annual election aforesaid, it shall be the duty of the secretary of state to transmit the poll books, tally sheets, herein provided for, and the usual cards of instructions, by mail or express or such other means as will be most economical to the state, to the commandant of said State Soldiers' Home. Such transmittal shall be under seal, secure from observation, and the commandant of said State Soldiers' Home shall deliver said poll books, tally sheets and printed matter to the judges of election as hereinafter provided. [Id., § 3.]

Duty of county clerks. SEC. 100. It shall be the duty the clerk of the county any of whose qualified electors are inmates of said State Soldiers' Home to transmit, under seal, by mail or express, to the commandant of said State Soldiers' Home, a sufficient number of ballots, allowing at least three ballots for each qualified elector of such county who may be an inmate of said State Soldiers' Home, and it shall be the duty of said commandant to deliver said ballots to the judges of said election, as hereinafter provided. [Id., § 4.]

Election officers. SEC. 101. The commandant of said Soldiers' Home shall, on the morning of the election day, appoint some convenient and suitable place for holding the election. At the time and place of opening the polls, the electors shall elect, by *viva voce* vote, three judges and two clerks of election, who shall before receiving any votes severally take and

subscribe the oath or affirmation provided by law to be taken by judges and clerks of election, which oath may be administered by any person authorized by law to administer oaths. Immediately upon said judges and clerks having been sworn as herein provided, the commandant of said State Soldiers' Home shall deliver to the judges of said election the poll books, tally sheets, ballots and printed matter that he may have received from the secretary of state and the various county clerks under the provisions of this act. [Id., § 5.]

Manner of voting. SEC. 102. Each elector shall before delivering his ballot to one of the judges announce his name, the county, township or ward and representative district of which he is a resident, all of which shall be entered on the poll book opposite the elector's name. The judge shall announce in an audible voice the name of the elector and his residence as given by him, and if no objection be made, and the judges are satisfied that he is a qualified elector, as represented by him, the clerks shall write in the proper column the name of the voter, with the county, township or ward, and number of the representative district of which he claims to be an elector, and the judges shall deposit his ballot in the ballot box. [Id., § 6.]

SEC. 103. The provisions of the general election laws of the state relative to opening and closing of the polls, testing the qualifications of the electors, the authentication of the poll books, the opening of the ballot box, the counting of the ballots, and all other provisions of the general election laws of the state which are in their nature applicable, shall be applied to elections held under this act. [Id., § 7.]

Judges to transmit returns. SEC. 104. It shall be the duty of the judges to attach together, wrap up and seal securely a certified copy of the poll books and tally sheets, and indorse thereon, "A certified copy of an election of citizens of Kansas who are inmates of the State Soldiers' Home at said State Soldiers' Home on the — day of — A. D. —," and to direct and forthwith transmit by mail to the secretary of state, at the state capital. The original poll books and tally sheets shall be similarly attached together, wrapped up and indorsed, and, with the ballots, shall be retained by one of the judges, to be forwarded to the secretary of state in the event of the loss of the copy first transmitted. [Id., § 8.]

Secretary of state to record votes. SEC. 105. It shall be the duty of the secretary of state, on receipt of any returns of any election held pursuant to this act, to open the same and

record all votes cast for state officers, members of congress, or electors of president or vice-president of the United States to the respective candidates for whom they were given, and to file the records away in his office; and it shall be his duty, on or before the first Monday after such election, to transmit to the county clerk of each county a certified abstract of all the votes polled for county and township officers by citizens of such county who are inmates of the State Soldiers' Home, together with the township or ward or representative district of which they were residents, as appears by the official records of his office. [Id., § 9.]

Vote, how canvassed. SEC. 106. Whenever there shall be qualified electors of the county absent from their voting precincts who are inmates of the State Soldiers' Home on the day of any general election, the board of county commissioners shall meet at the office of the county clerk at 10 o'clock A. M. on the second Friday next after such election, and shall then proceed to open and count the returns of votes given for county and township officers certified by the secretary of state to have been polled for such county officers by absent electors, inmates of the State Soldiers' Home, and shall be governed in such canvass by the general laws of the state of Kansas applicable in such case: *Provided*, That the inmates of the State Soldiers' Home shall be exempt from registration as required by law in the cities. [Id., § 10.]

Who qualified. SEC. 107. No person shall be permitted to vote under the provisions of this act who was not at the time of his admission as an inmate of said State Soldiers' Home a qualified elector under the laws of Kansas in the township or ward where he claims to have his vote counted. [Id., § 11.]

Booths, etc. SEC. 108. The booths, ballot boxes and other things necessary for the holding of elections under this act shall be furnished by and be the property of the state, and when not in use the ballot boxes and booths shall be preserved and cared for by the quartermaster of said Soldiers' Home. [Id., § 12.]

CHAPTER VI.
PURE ELECTIONS LAW.

(CHAPTER 77, LAWS OF 1893.)

AN ACT to prohibit the corrupt use of money and corrupt practices at elections.

Promises and payment of money prohibited. SEC.

109. Any person who shall lend or give any money or other valuable thing to any other person to induce him to cast his vote either for or against any candidate for public office; or any person who shall lend or give any money or other valuable thing to any other person to induce him to refrain from voting or to remain away from the polls; or any person who shall lend or furnish any money or security therefor to any other person or persons to be used for any of said purposes; or any person who shall knowingly refund or make good to any person or persons any money expended for any of said purposes; or any person who shall directly or indirectly give or procure to be given or promise to give any money, gift or reward, or any office, place or employment upon any engagement, contract, agreement, or understanding, that the person to whom or for whose benefit such gift or promise shall be made, shall, by himself or any other person, procure, or endeavor to procure or work for, the election of any person to any public office at any election, shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment in the penitentiary for not more than two years, or both. [§ 1.]

Payment for working at the polls unlawful. SEC. 110.

It shall be unlawful to hire, or to lend or pay or promise to pay any money, or to give or promise to give anything of value to any person to work at the polls on any election day in the interest of any party, or any ticket, or any candidate or candidates. It shall be unlawful to lend or pay or promise to pay any money, or to give or promise to give anything of value to any person for work or services on election day, in endeavoring to influence or procure any other person or persons to come to

or remain away from the polls. It shall be unlawful to lend or pay or promise to pay any money, or to give or promise to give anything of value to any person for work or services on election day in endeavoring to influence or procure any other person or persons to vote or refrain from voting for any candidate or candidates. [§ 2.]

Giving away of liquor and cigars on election day.

SEC. 111. It shall be unlawful for any candidate for public office to distribute or give away any intoxicating liquors or cigars on election day; or at any time to authorize or employ any person to distribute, or give away any intoxicating liquor or cigars for him or in his interest or behalf on election day; or to procure or pay for, directly or through any other person, any intoxicating liquors or cigars to be so distributed or given away, or which shall have been so distributed or given away on election day. [§ 3.]

Giving of liquor and cigars for influence. SEC. 112.

It shall be unlawful for any candidate at any time to give away any intoxicating liquors with intent to influence the vote of any person or persons; or to employ or authorize any other person to give away any such liquors with such intent; or to purchase, procure or pay for, directly or through another person, any such liquors to be given away with such intent; or to pay for, either before or after election, any such liquors which shall have been given away with such intent. [§ 4.]

Restrictions in regard to vote on a proposition.

SEC. 113. All acts forbidden to be done by any such person in the interest, or on behalf, of any candidate for office shall be equally unlawful if done to influence the vote of any person or persons for or against any proposition to amend the constitution, or any proposition to vote bonds for any public purpose or in aid of any enterprise, or any proposition for subscription to the stock of any corporation; and any person so offending shall be punished by a fine not exceeding \$500 dollars, or by imprisonment not exceeding two years, or by both. [§ 5.]

Committees also restricted. SEC. 114.

All acts forbidden to be done by any candidate shall be equally unlawful if done by any member or officer of any state, district, county, city, ward, or township committee, or of any club, organization, or association, designed to promote, or engaged in promoting the success or defeat of any party, or the election or defeat of any candidate to a political office; and any member of such

committee, club, or other organization, who shall pay or personally authorize the payment of any money to any person for any purposes forbidden in this act, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year. [§ 6.]

Candidate file statement. SEC. 115. Every person who shall be a candidate at any election for any state, county, municipal, or district office, shall, within thirty days after such election, make and file with the county clerk of the county in which said candidate resides, a detailed statement of all moneys loaned, expended, paid, or promised to be paid by him, or by anyone to the best of his knowledge and belief in his behalf, in attempting to secure or in any manner in connection with, the election to such office. Such statement shall show the name of every person, committee, club, or other organization, to whom any payment or loan has been made, and the name of every person, committee, club, or other organization, to whom or to which any money, compensation or pecuniary reward of any kind has been promised, for any article furnished, or services performed on account of, or in connection with said election, and also the amounts so paid, or loaned, or promised to be paid. Said statement shall be verified before some officer empowered to administer oaths, and the form of said verification shall be as follows: "I, _____, do hereby solemnly swear that the foregoing is a full and true statement of the expenses incurred by me or by anyone in my behalf, to the best of my knowledge and belief, to secure my election to the office of _____ in the year _____; and I further solemnly swear that I have not expended or loaned, in the campaign for said office, directly or indirectly, nor have I authorized any other person, for or on my behalf, to expend or loan, directly or indirectly, nor have I promised, or obligated myself, directly or indirectly, to pay any money or give any other thing of value for any of the objects or purposes forbidden by the act of the legislature entitled 'An act to prohibit the corrupt use of money and corrupt practices at elections.'" [§ 7.]

Committees file statement. SEC. 116. Every state, district, county, city, ward, or township committee, or any club, organization or association designed to promote, or engaged in promoting the success or defeat of any party, or the election or defeat of any candidate or candidates to political office, shall have a treasurer, and shall cause to be kept a detailed account of all moneys, or property, or other thing of value, received by

it, and of the manner in which the same shall be expended; and within thirty days after any election at which state or municipal or county or district officers, or members of congress are chosen, the treasurer of such committee, club, or other organization, which shall have expended money, or property, or other thing of value in the campaign preceding such election, or in any way, in connection with the same, shall file with the county clerk of the county in which such committee, club or other organization has its headquarters, a statement of all its receipts and expenditures, showing in detail from whom said moneys or property, or other thing of value, were received, to whom said moneys, or property, or other thing of value, were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof. Any person not a member of any such committee, club or organization, who collects or disburses funds, or property, or other thing of value, exceeding five dollars in the aggregate, for the purpose of promoting the election or defeat of any candidate or candidates, shall file and verify a statement of the same kind required to be filed by treasurers of committees. [§ 8.]

Members of committees make report of expenses.

SEC. 117. Any member of any committee, club or other organization described in section 8, who shall receive or disburse any moneys, or property, or other thing or value, for political campaign purposes in connection with any election set forth in said section shall forthwith furnish the treasurer of such committee, club or other organization a detailed statement of all moneys, or property, or other thing of value, received or disbursed by him, or he shall verify and file an individual account, as above provided for persons not members of any such committee, club, or other organization; and such treasurer shall include such statement in his statement required by said section. No member of any committee, club or other organization described in section 8 shall receive or disburse any moneys, or property, or other thing of value, for political or campaign purposes, or in connection with any election, unless the committee, club, or other organization of which he is a member shall first have chosen a treasurer to keep its accounts as provided in said section. [§ 9.]

Detailed statements must be verified. SEC. 118.

Statements filed by the treasurer of any committee, club, or other organization required by this act to be filed, shall be veri-

fied before some officer authorized to administer oaths, and the form of said verification shall be substantially as follows: "I, ———, treasurer of ———, do solemnly swear that the foregoing is a full and true statement of all receipts and of all expenditures of the said ——— in connection with the campaign preceding the election held on the ——— day of ———, to the best of my knowledge and belief." The statement filed by any other person than a candidate or the treasurer of a committee, club, or other organization, shall be verified before some officer authorized to administer oaths, and the form of said verification shall be as follows: "I, ———, do solemnly swear that the foregoing is a full and true statement of all moneys, or property, or other thing of value, received by me, and of all moneys expended by me, in connection with the campaign preceding the election held on the ——— day of ———." [§ 10.]

Penalty for false statement. SEC. 119. Any person who willfully makes any false statement in any sworn statement required by this act shall be deemed guilty of perjury, and shall be punished as provided by law for such offenses. [§ 11.]

Office declared vacant, when. SEC. 120. Any person elected to any office who shall be proven in a contest of such election or in any other manner provided by law to have violated any provisions of this act shall forfeit his office, and said office shall be declared vacant and shall be filled in the manner provided by law for filling vacancies occasioned by death or resignation. [§ 12.]

Penalty. SEC. 121. Any person violating any provision of this act for which a penalty is not herein specially prescribed, shall be punished by a fine not exceeding five hundred dollars, or less than ten dollars, or by imprisonment not exceeding one year or less than ten days, or both. [§ 13.]

Voluntary work not prohibited. SEC. 122. This act shall not be deemed to prohibit voluntary work for or on behalf of any candidate for public office, nor shall it prevent the necessary expenditure of money for public meetings, printing, postage, telegraphing, office rooms for actual *bona fide* use by political committees, with fuel and light therefor, music, stationery, livery, clerical assistance in committee work, flag, transparencies, compensation and expenses of public speakers, but all expenses for any such purposes, either by committees

or by candidates, shall be set forth in the respective statements herein provided for. [§ 14.]

Duty of county clerk. SEC. 123. It shall be the duty of the county clerk to indorse on each statement filed with him pursuant to this act, the date of the filing thereof, and to preserve the same among the public records of his office. [§ 15.]

Report of Election Expenses—Treasurer.—865-2.

[To be filed with the County Clerk within thirty days after election.]

STATEMENT of moneys, property, or other thing of value, received by _____ as Treasurer of _____, and the manner in which the same was expended, including all its receipts and expenditures, from whom received and to whom paid, and for what specific purposes each payment was made, and the exact nature of the services rendered in consideration thereof, in the interest of _____, and in the campaign preceding the election held in _____, county of _____, State of Kansas, on the _____ day of _____, 189—.

RECEIPTS.

| DATE. | | | OF WHOM RECEIVED. | FOR WHAT PURPOSE. | AMOUNT. | |
|--------|------|-------|-------------------|-------------------|---------|------|
| Month. | Day. | Year. | | | Dols. | Cts. |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | Total, | | |

EXPENDITURES.

| DATE. | | | TO WHOM PAID. | FOR WHAT PURPOSE. | AMOUNT. | |
|--------|------|-------|---------------|-------------------|---------|------|
| Month. | Day. | Year. | | | Dols. | Cts. |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | Total, | | |

STATE OF KANSAS, _____ COUNTY, SS. I, _____, Treasurer of _____, do solemnly swear that the foregoing is a full and true statement of all receipts and of all expenditures of the said _____ in connection with the campaign preceding the election held on the _____ day of _____, A. D. 189—, to the best of my knowledge and belief. So help me God.

Subscribed and sworn to before me, this _____ day of _____, A. D. 189—.

FORMS TO BE USED IN CONNECTION WITH AUSTRALIAN BALLOT LAW.

Certificate of Nomination.—904-2.

[Form approved by Attorney-General and Secretary of State.]

CERTIFICATE OF NOMINATION FOR _____ OFFICES.

(State, district, county, or municipality.)

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a _____ held for that purpose, in the _____ of _____, State of _____

Kansas, on the _____ day of _____, 189—, the following nominations were made for the offices herein designated, viz.:

| OFFICE TO BE FILLED. | NAME OF CANDIDATE. | PARTY. | RESIDENCE. |
|----------------------|--------------------|--------|------------|
| | | | |
| | | | |
| | | | |

_____,
of _____, Kansas,
Secretary.

_____,
of _____, Kansas,
Chairman.

STATE OF KANSAS, _____ COUNTY, ss. Personally appeared before me, this _____ day of _____, 189—, _____, whose name is subscribed to the above certificate, who, being duly sworn, on oath says that the same is true, to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my official seal, the date above written.
_____, *Notary Public.*
(Commission expires _____, 189—.)

Nomination Paper.—900-1.

[Form approved by Attorney-General and Secretary of State.]

THE UNDERSIGNED, qualified voters of the _____, in accordance with the laws relating thereto, make the following nominations of officers to be voted for at the election to be held in _____, on the _____ day of _____, 189—:

| OFFICE TO BE FILLED. | NAME OF CANDIDATE. | PARTY. | RESIDENCE. |
|----------------------|--------------------|--------|------------|
| | | | |
| | | | |
| | | | |

| SIGNATURES. | RESIDENCES. (Town or city, street and number, if any.) |
|-------------|---|
| | |
| | |
| | |

Declination of Nomination.

[Form approved by Attorney-General and Secretary of State.]

STATE OF KANSAS, _____, COUNTY, ss. _____, Clerk: You are hereby notified that I decline to be a candidate for the office of _____ in the _____ of _____. I therefore hereby notify you not to cause my name to be printed upon the official ballots distributed for the election to be held on the _____ day of _____, 189—.

(Signed) _____.

STATE OF KANSAS, ——— COUNTY, ss. Personally appeared before me, this ——— day of ———, 189—, ———, whose name is subscribed to the above declination of nomination, who, being duly sworn, on oath says that the same is his own act and deed.

In testimony whereof, I hereunto subscribe my name and affix my official seal, on the date above written.

—————, *Notary Public.*
(Commission expires ———, 189—.

**Notice of Appointment—Judge or Clerk of Election—
Township.—901-2.**

[Form approved by the Secretary of State and Attorney-General.]

To ———, of ——— P. O.: ———, KANSAS, ———, 189—.

You are hereby appointed to act as a ——— of the election to be held in ——— precinct, on the ——— day of ———, 189—. Polls shall be open at 8 o'clock A. M. and closed at 6 o'clock P. M. of that day. You are required by law to appear before me *at least one day* before the date above mentioned, and take and subscribe an oath to faithfully and honestly perform your duty as such ———. This you should do *immediately*, that proper notice thereof may be given the County Clerk, from whom the Judges will receive the official ballots.

The place designated for holding said election is located ———.

If you decline or find it impossible to serve as such ——— of election, notify me at your earliest convenience. ———,

Township Trustee.

OATH.

STATE OF KANSAS, ——— COUNTY, ss. I swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully and honestly perform my duty as ——— of the election to be held in ——— precinct in said county, on the ——— day of ———, 189—. So help me God. ———.

Subscribed and sworn to before me, this ——— day of ———, A. D. 189—, at ——— o'clock —M. ———,

Township Trustee.

**Certificate of Appointment—Township Judges and Clerks of
Election.—905-2.**

NOTE.—This certificate should be made and filed with the County Clerk at the earliest date practicable, under the law, that he may have proper information as to what judge or judges he may deliver the ballots and cards of instructions to voters.

To ———, *County Clerk of* ——— *County, Kansas:*

You are hereby notified that I have made the appointments of Judges and Clerks for the township of ———, to serve at the election to be held on the ——— day of ———, 189—, as listed below, together with the dates of qualification.

| PRECINCT. | JUDGES. | CLERKS. | P. O. ADDRESS. | DATE OF QUALIFICATION. | | |
|-----------|---------|---------|----------------|------------------------|------|-------|
| | | | | Mo. | Day. | Year. |
| | | | | | | |
| | | | | | | |
| | | | | | | |

The places designated for holding said election are :

For _____ precinct, _____ ; for _____ precinct, _____ ; for _____ precinct, _____ .

Witness my hand, this _____ day of _____, 189—, at _____, Kansas.

Trustee of _____ Township.

Receipt for Ballots, Instructions, etc.

_____, Kansas, _____, 189—.
RECEIVED OF _____, Clerk of _____ county, by _____, _____ official ballots, to be used at _____ voting precinct in said county, at the _____ election to be held on the _____ day of _____, 189—, to be returned in the manner prescribed by law. Also, _____ Instructions to Voters, for posting at said precinct.

Judge of Election, _____ Precinct.

Requisition for Additional Voting Papers or Ballots.—907-2.

[Form approved by Attorney-General and Secretary of State.]

_____ o'clock _____M., _____, 189—.

To _____:
(County Clerk, if a general election, or City Clerk, if municipal.)

Requisition is hereby made for _____ ballots or voting papers, in addition to those heretofore furnished, for the use of _____ precinct, _____ city, _____ county, at an election held _____, 189—.

Such additional ballots being rendered necessary on account of _____.

Judges of Election of said Precinct.

[Oath to be used if one judge only signs requisition.]

STATE OF KANSAS, _____ COUNTY, ss. Subscribed and sworn to by _____, personally known to me to be one of the Judges of said election, the date above written.

Notary Public—Justice of the Peace—in said County.
(Commission expires _____, 189—.)

Receipt for Returned Ballots.

_____, KANSAS, _____, 189—.

RECEIVED OF _____, Judge of the election held on the _____ day of _____, 189—, at _____ voting precinct in said county, a package, sealed with sealing-wax, said to contain _____ ballots voted at said election, and taken from the ballot box in said precinct, together with _____ ballots unused, and a sealed package marked "Defective or objected to" ballots, and said to contain _____ ballots.

_____, Clerk.

THE
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OF KANSAS

SYSTEMATIZED FOR THE CONVENIENCE OF ELECTORS
AND ELECTION OFFICERS.

BY G. C. CLEMENS

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Notice of Objections to Nominations.

Report of Election Expenses—Candidate.

Report of Election Expenses—Treasurer.

Report of Election Expenses—Individual.

Notice to Judges of Election of New Names Added.

Requisitions for Extra Ballots.

Certificates of Appointment of Judges.

Notice of Appointment—Judge or Clerk of Election.

Declination of Nomination.

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Lead Pencils—soft black.

“Kansas Election Laws,” 25c.

The attention of Township Trustees and Township Treasurers is called to Section 2, Chapter 39, Laws of 1898, which provides for Trustee's Annual Statement of Accounts Allowed, and also Statement of Township Treasurer, to be posted at the polls on election days. This law will be found in our Township Officers' Guide, 1899 edition.

We have in stock the necessary blanks to comply with the requirements of this law, and respectfully solicit your order for a supply of them. They are—

“Annual Statement of Accounts Allowed—Township Trustee—217-2.

Annual Statement of Township Treasurer—218-1.”

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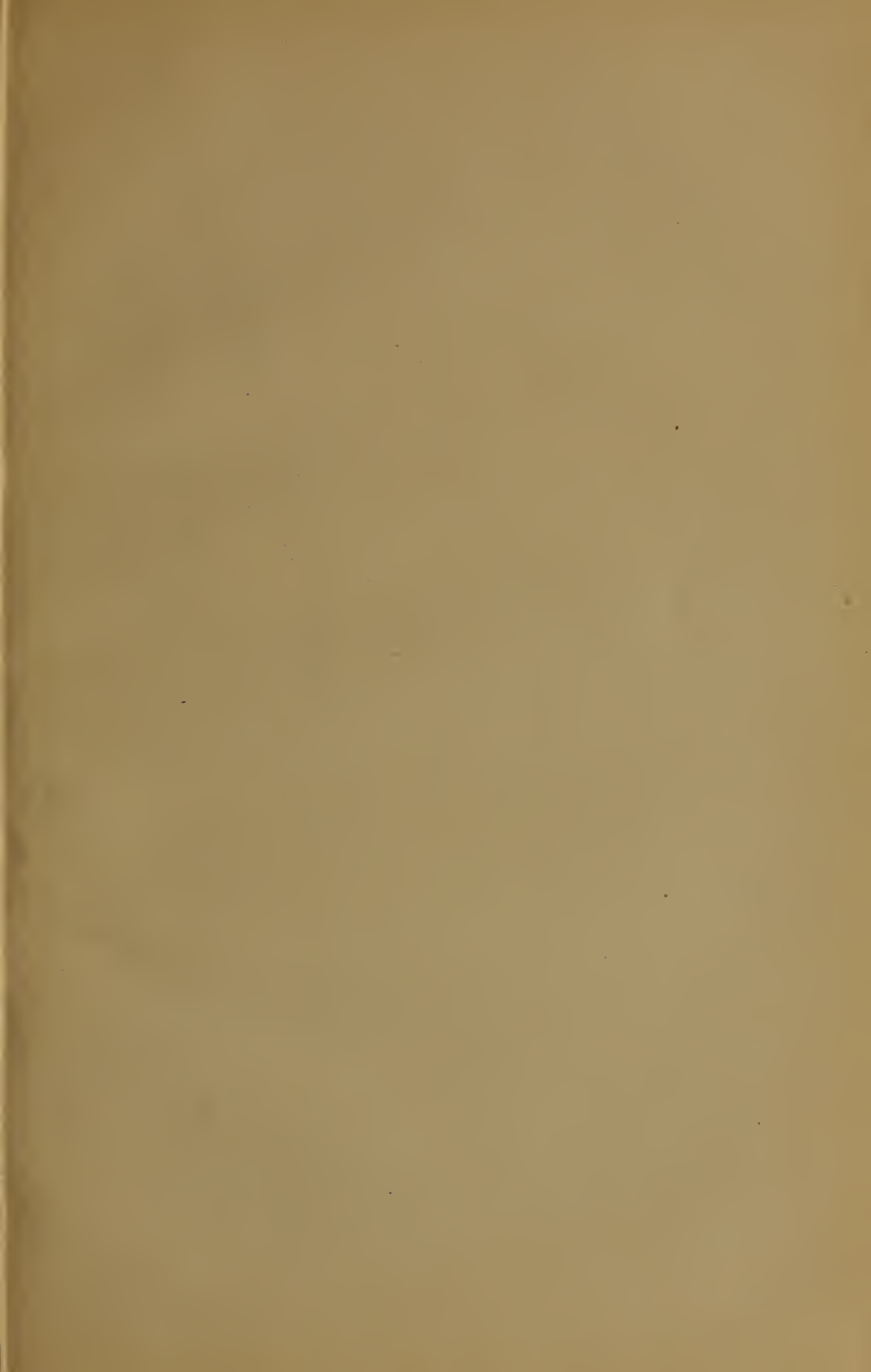
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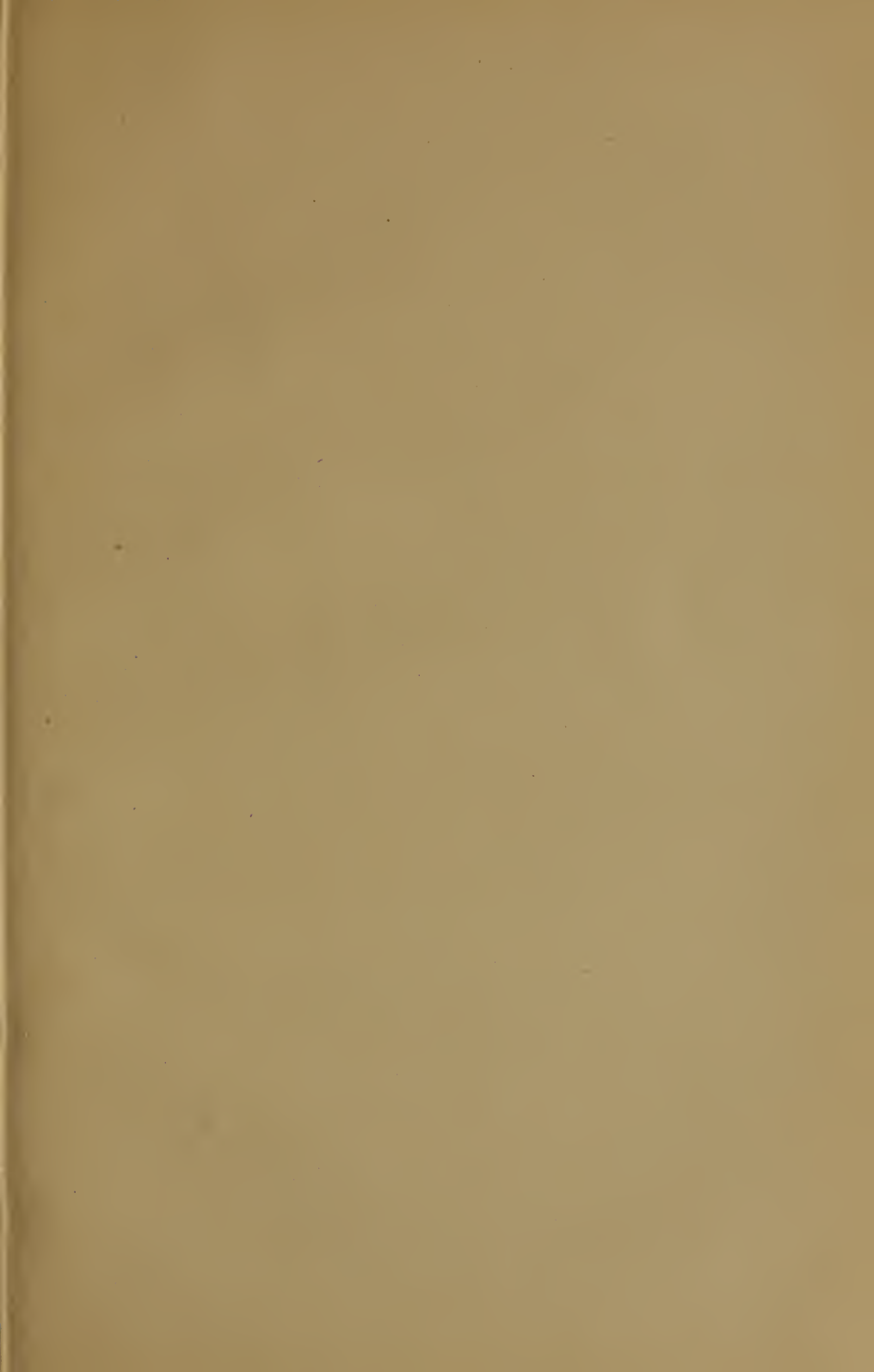
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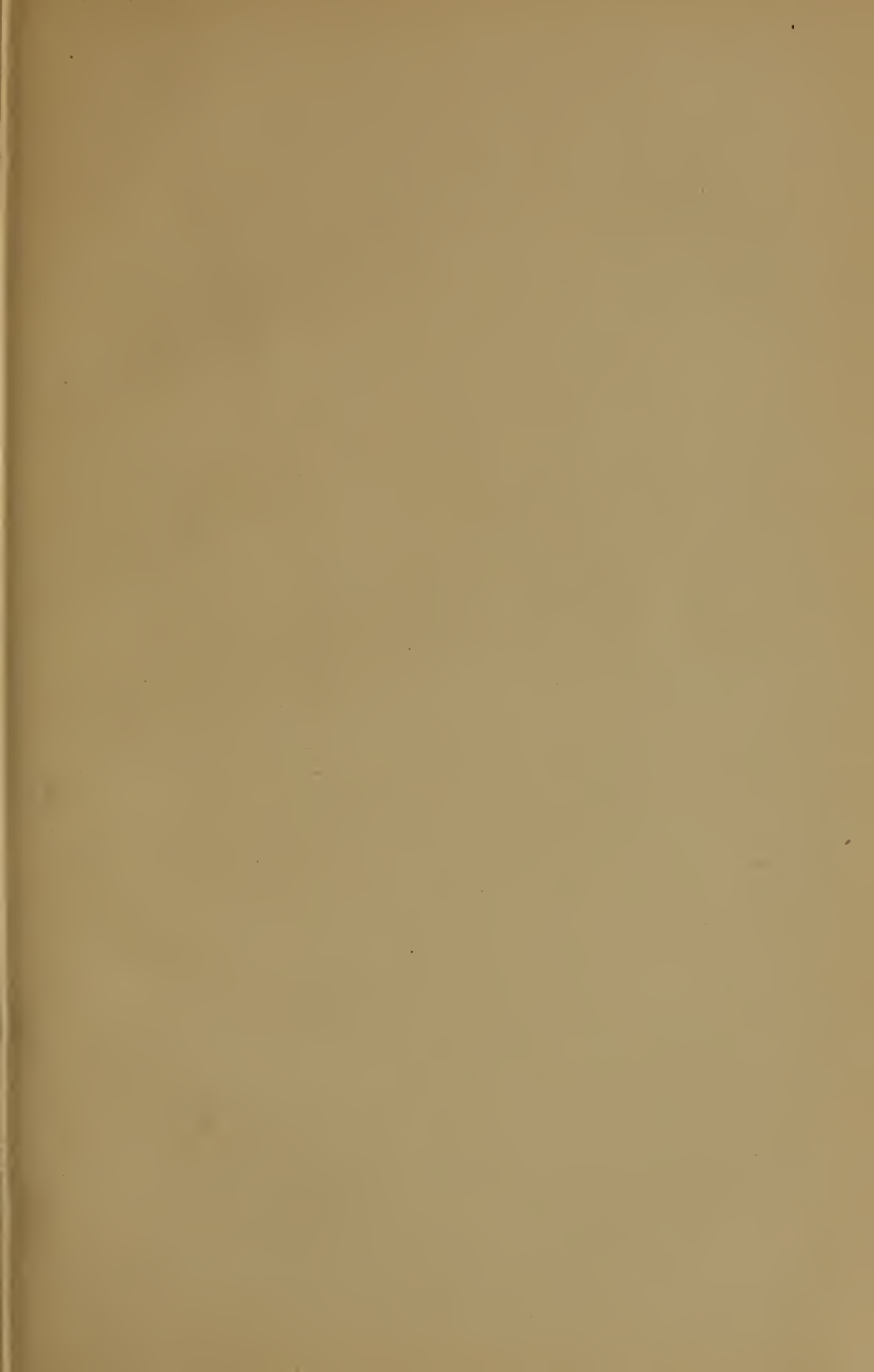
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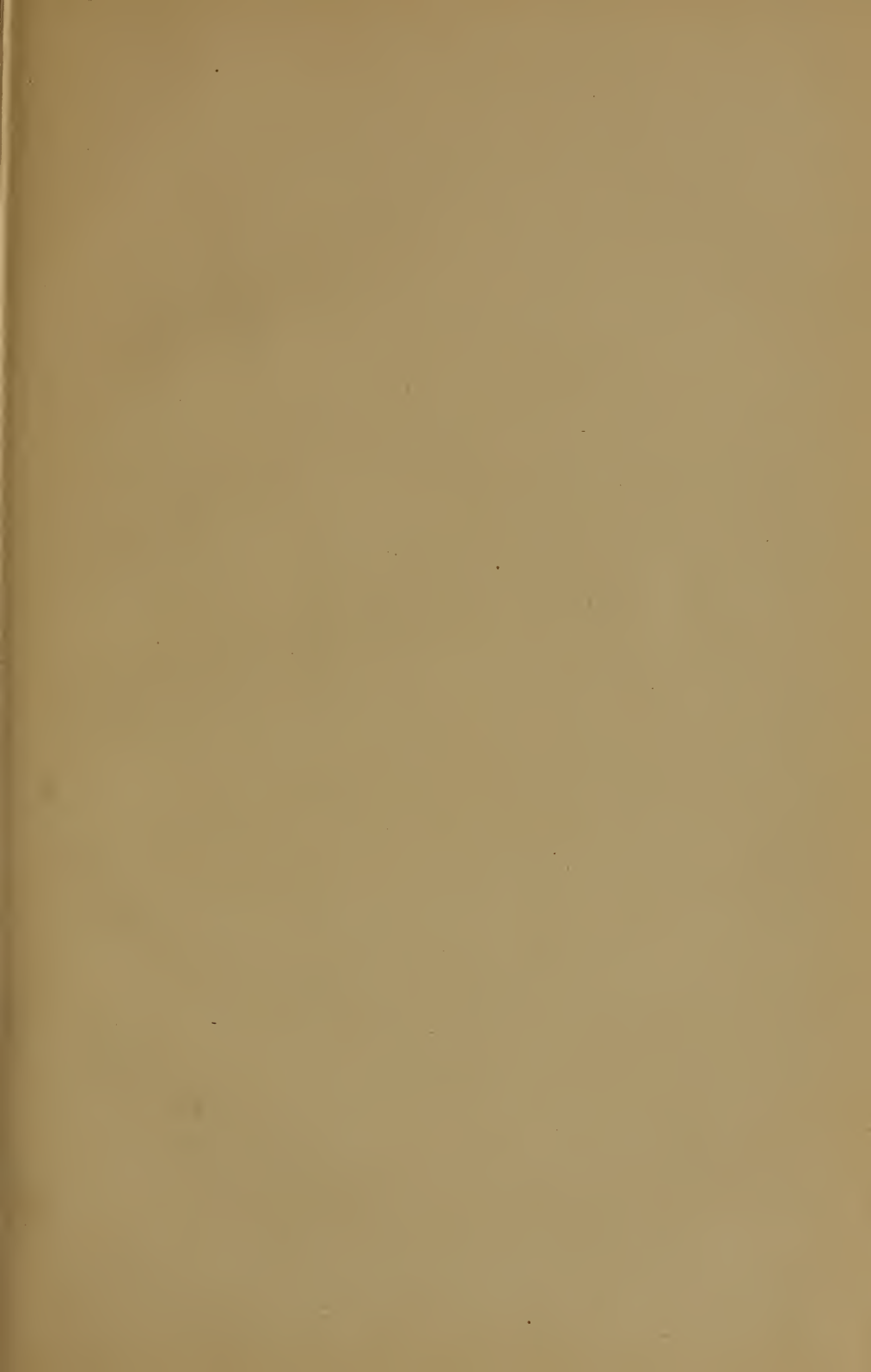
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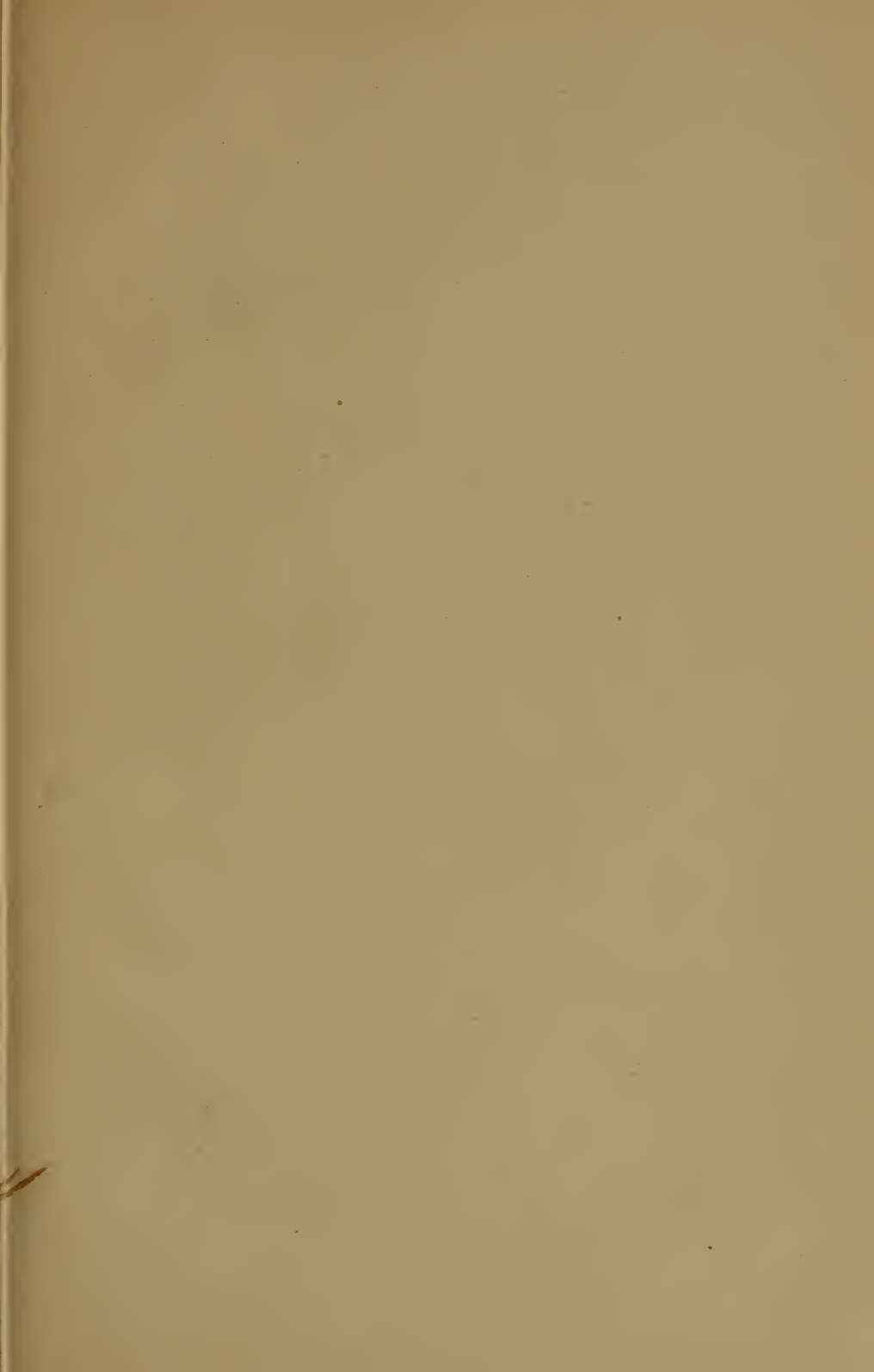
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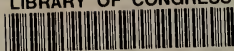








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